

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Telecommunications Carriers Eligible)	WC Docket No. 09-197
)	
For Universal Service Support)	

**I-WIRELESS PETITION TO EXPAND
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION
TO INCLUDE TRIBAL LANDS**

i-wireless, LLC (“i-Wireless”), pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the "Act") (47 U.S.C. § 214(e)(6)), hereby petitions the Federal Communications Commission (the “FCC”) to expand its designation as an Eligible Telecommunications Carrier (“ETC”) to include Tribal lands within the following states: Alabama, Connecticut, Massachusetts, New York, North Carolina, and Virginia (“FCC-designated states”).¹

As explained in this Petition, i-Wireless will enhance its current Lifeline service offering to provide additional airtime minutes and mobile broadband allowances to qualifying households residing on Tribal lands based upon its receipt of federal Tribal lands support. The Commission’s grant of i-Wireless’ Petition will serve the public interest by allowing qualifying households residing on Tribal lands to receive enhanced Lifeline offerings and benefit from increased competition in the market for Lifeline service.

¹ In accordance with 47 C.F.R. § 54.202(c), i-Wireless is sending a copy of its Petition to the relevant tribal governments and tribal regulatory authorities.

I. BACKGROUND

i-Wireless is organized under the laws of the State of North Carolina its corporate offices are located at 1 Levee Way, Suite 3116, Newport, Kentucky 41071. i-Wireless provides prepaid wireless telecommunications services to consumers by using the Sprint Spectrum, L.P. ("Sprint") network on a wholesale basis to offer nationwide service. Through a direct wholesale agreement with Sprint, i-wireless obtains from Sprint the network infrastructure and wireless transmission facilities to allow the Company to operate as a Mobile Virtual Network Operator ("MVNO"). i-Wireless has provided wireless service as an MVNO in each of the FCC-designated states.

On June 13, 2012, the Commission issued an Order designating i-Wireless as an ETC in its licensed service areas in the FCC-designated states pursuant to Section 214(e)(2) of the Act.² i-Wireless did not request ETC designation for Tribal lands in its petitions for designation as an ETC in the FCC-designated states. i-Wireless now seeks to expand its ETC designated service area to include Tribal lands in the FCC-designated states identified in this Petition. The Commission's grant of this Petition would benefit the public interest by allowing i-Wireless to provide enhanced Lifeline benefits to Tribal land households in FCC-designated states and introducing more robust competition in the provision of Lifeline service in general and expanding the availability of mobile

²See *Federal-State Joint Board on Universal Service, i-Wireless, LLC Petition for Designation as an Eligible Telecommunications Carrier in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, North Carolina, New York, Tennessee, the Commonwealth of Virginia and the District of Columbia*, WC Docket No. 09-197, Order, 23 FCC Rcd 6206 (2012) ("i-Wireless ETC Designation Order") (designating i-Wireless as an ETC for Lifeline support only in Alabama, et. al). i-Wireless' Petition only includes those FCC-designated states in which Tribal lands are located. See 47 C.F.R. §54.400(e) (defining a "[Lifeline] eligible resident of Tribal lands" as a "qualifying low-income consumer" as defined in 47 C.F.R. §54.400(a) "living on Tribal lands.").

broadband service to Tribal land residents in particular.

II. THE COMMISSION SHOULD EXPAND I-WIRELESS' ETC DESIGNATED SERVICE AREAS TO INCLUDE TRIBAL LANDS IN FCC-DESIGNATED STATES

By this Petition, i-Wireless respectfully requests that the Commission to expand its ETC designated service area to include Tribal lands. The Commission determined in its i-Wireless ETC Designation Order that i-Wireless met the federal requirements for designation as an ETC for the purpose of receiving federal Lifeline support. Given that federal Tribal lands support is a type of federal Lifeline support, i-Wireless has already demonstrated that it meets the requirements for designation as an ETC for the purpose of receiving federal Tribal lands support. Therefore, this Petition focuses on how expansion of i-Wireless' ETC designated service area will serve the public interest.

Federal Tribal lands Universal Service Fund ("USF") support provides ETCs with an additional \$25.00 per month per Lifeline customer above the \$9.25 support amount provided under the federal Lifeline program, for a total of \$34.25 in federal Lifeline support. i-Wireless, as a recipient of federal USF Tribal lands and non-Tribal lands USF support, would offer Lifeline customers residing on Tribal lands in FCC-designated states unlimited airtime voice minutes, unlimited text messaging, and 4 GB of mobile broadband data each month. The voice portion of i-Wireless' Lifeline service will include unlimited three-way calling, voicemail, caller ID, call waiting, national long distance calling without toll charges, and no charges for roaming. Tribal lands customers will have the option of receiving a free Android smartphone from i-Wireless (which will be Wi-Fi-capable)³ or using their own smartphone.

³ See 47 C.F.R. § 54.408(t).

i-Wireless' proposed Lifeline offering to residents of Tribal lands is currently twice the amount of the Commission's minimum service standards for Lifeline service. As established by the Commission in its Lifeline Modernization effective December 1, 2018, mobile providers must provide at least 2GB of mobile broadband data each month to qualify for broadband federal Lifeline support.⁴ The Commission has not established a minimum amount of data that must be offered to receive Lifeline Tribal lands support. However, as required by Commission rules, i-Wireless certifies that it will pass through to Tribal land residents the entire amount of federal TUSF support it receives for providing Lifeline service to residents of Tribal lands.⁵ i-Wireless' bundled mobile broadband data and voice Lifeline offering to residents of Tribal lands will provide qualifying subscribers who reside on Tribal lands with unlimited airtime minutes plus an additional 2 GB of mobile broadband data above the broadband data amount i-Wireless provides to its Lifeline subscribers who do not reside on Tribal lands in the FCC-designated states identified in this Petition.⁶ By doing so, i-Wireless will ensure that Lifeline customers residing on Tribal lands receive the full benefit of the additional Tribal lands support. In short, all i-Wireless Lifeline consumers residing on Tribal lands will receive at least 4 GB of mobile broadband data. i-Wireless is not aware of any comparable Lifeline program being offered to residents of Tribal lands in the FCC-designated states by any designated Lifeline provider.

⁴ Lifeline and Link Up Reform and Modernization, et al. (Third Report and Order, Further Report and Order, and Order on Reconsideration), 31 FCC Red 3962 (2016) ("Lifeline Modernization Order"); see also 47 C.F.R. § 54.408(b)(2).

⁵ See 47 C.F.R. § 54.403(a)(3).

⁶ i-Wireless' standard monthly Lifeline plan offered to residents of non-Tribal lands includes 1,000 airtime minutes, unlimited text messaging and 2 GB of mobile broadband Internet access service.

Expansion of i-Wireless' ETC designated Lifeline service area in the FCC-designated states to include Tribal lands will serve the public interest because it will enable i-Wireless to provide enhanced Lifeline benefits to Tribal land households that are eligible for Lifeline service.

As noted by the Commission, "Tribal lands historically have had less access to telecommunications services than any other segment of the population."⁷ Consumers who live on remote and underserved Tribal lands have difficulty in accessing basic services, as well as advanced telecommunications services, such as broadband services. Therefore, the availability of Lifeline support to provide Tribal lands residents services that include basic telecommunications services as well as advanced telecommunications services (i.e., Internet access via broadband services) has been and continues to be especially important.⁸ Indeed, the Commission recently found that "the disproportionately low adoption of telecommunication services on Tribal lands, especially those in remote and underserved areas, makes clear that there is much more progress to be made in increasing penetration and adoption of Lifeline services."⁹ By this Petition, i-Wireless requests the Commission's consent to contribute to that progress.

Allowing i-Wireless to offer Lifeline service on Tribal lands in FCC-designated states also will serve the public interest because it will introduce more competition in the provision of Lifeline service. Specifically, i-Wireless' receipt of Tribal land support will benefit low-

⁷ Lifeline Modernization Paragraph 206.

⁸ See *id.* (citing Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act, 2016 Broadband Progress Report, 31 FCC Red 699, 731-32, Paragraph 79 (2016) and Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rd 12208, 12211-15, Paragraphs 1-11 (2000)).

⁹ Lifeline Modernization Order Paragraph 205.

income Tribal land residents by increasing the number of Lifeline providers allowed to use the additional federal support to offer enhanced Lifeline service to residents of Tribal lands in the FCC-designated states. Currently, no ETCs are providing Lifeline service on Tribal lands in Connecticut, Massachusetts, and Virginia.¹⁰ Furthermore, only a few households in New York are benefitting from the enhanced Lifeline support available to qualifying residents of Tribal lands.¹¹ Although there are greater numbers of households receiving Tribal lands support in Alabama and North Carolina, the Lifeline benefits available in those states are not as generous as i-Wireless' offering. In Alabama, North American Local LLC ("North American Local"), a wireless provider, receives over seventy five percent (75%) of the Tribal lands support in Alabama.¹² North American Local's Tribal lands Lifeline plan available for no charge includes 1,000 minutes, unlimited texts, and 100 MB of mobile data.¹³ In contrast, i-Wireless' no charge Tribal lands Lifeline plan will offer unlimited voice minutes, unlimited texts and 4 GB of mobile data. North American Local also offers residents of Tribal lands a Lifeline plan with unlimited minutes and unlimited texts, and higher amounts of data, but those plans only provides 3 GB of data at most and require each enrolled Lifeline customer to pay of monthly fee (1 GB for \$10.99, 2 GB for \$19.99; or 3 GB for \$29.99).

In North Carolina, Frontier Communications of the Carolinas Inc. ("Frontier"), a wireline carrier, is the only ETC that receives a significant amount of Tribal lands support.¹⁴ While wireline and wireless services are not directly

¹⁰ See LI05 Annual Low Income Support Claimed by State and Company January 2016 through December 2018.xlsx, available at <http://usag.org/about/tools/fcc/filings/2019/q2.aspx> ("USAC Low Income Support Report").

¹¹ See id.

¹² See id.

¹³ See <http://www.northamericanlocal.com/signup>.

¹⁴ See USAC Low Income Support Report.

comparable, there is no doubt that i-Wireless' Tribal lands no charge Lifeline offering would provide Tribal lands households with a significantly less expensive and more affordable alternative bundled service that includes unlimited voice and text service, as well as the benefits of mobile voice and broadband Internet access service. In fact, Lifeline households, overwhelmingly choose wireless Lifeline service over wireline Lifeline service.¹⁵

i-Wireless' ability to pass through Tribal lands support to residents of Tribal lands will provide a competitive and valuable alternative to the existing Lifeline services available to the low-income households residing on Tribal lands in the FCC-designated states and will increase the participation in Lifeline by persons residing in those areas not currently served by other ETCs. That increased competition will lead to additional consumer choices and delivery of greater value to consumers. If the Commission authorizes i-Wireless to expand its designated service area to include Tribal lands, then i-Wireless will deliver enhanced service choices and greater value to qualifying households residing on Tribal lands in the FCC-designated states as described in this Petition.

¹⁵ As of June 2017, wireless carriers received 88.8 percent of the federal USF Lifeline support distributed to ETCs in Alabama and 95.5 percent of the federal USF Lifeline support distributed to ETCs in North Carolina. See USAC Low Income Support Report; see also <http://usac.org/li/aboutprocess-overview/stats/historical-sdtats-distribution.aspx>. (as of March 2016, 89 percent of all federal USF Lifeline support distributed to ETCs throughout the country was received by wireless carriers).

III. CONCLUSION

Based on the foregoing, i-Wireless respectfully requests that the Commission promptly grant its Petition to expand its designated service area to include Tribal lands in Alabama, Connecticut, Massachusetts, New York, North Carolina, and Virginia.

Respectfully submitted,



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